

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JUNE 13, 2012**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Charles Lapp, Frank DeKort, Gene Shellerud, Jim Heim, Jeff Larsen, Ron Schlegel and Robert Faulkner. Greg Stevens had an excused absence. BJ Grieve and Alex Hogle represented the Flathead County Planning & Zoning Office.

There were 49 people in the audience.

**APPROVAL OF
MINUTES**

DeKort made a motion, seconded by Schlegel to approve the May 9, 2012 meeting minutes.

On a roll call vote the motion passed unanimously.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**RISING
MOUNTAINS
ASSISTED
LIVING AT
BIGFORK
(FPPUD 12-02)**

A request by the Roman Catholic Bishop of Helena for approval of Rising Mountains Assisted Living of Bigfork Planned Unit Development (PUD), a residential PUD located within the Bigfork SAG-5 (Suburban Agricultural) Zoning District. The PUD is intended to establish a Class 3 Community Residential Facility as a permitted use on the property, and the facility would be accessed from Coverdell Road and served by the public water and sewer services of the Bigfork Water and Sewer District. The PUD would be situated on 5.25 acres of land in the south-eastern corner of the subject property located at 195 Coverdell Road.

STAFF REPORT

Alex Hogle reviewed Staff Report FPPUD 12-02 for the Board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

Mike Frasier represented the applicant and said the application was submitted with the understanding this assisted living facility was all the development which would happen on the property. He went on to explain the application, what the application

included and the need in the community for an assisted living facility. He discussed the availability of Bigfork water and sewer to the property, the zoning of the property and other land uses in the immediate area. He also talked about the results of the Bigfork Land Use Committee (BLUAC) meeting and permitted uses in the area with the current zoning. He explained the proposed site plan and addressed a concern with lighting. He gave the history of the review the application had been through so far. There was no foreseen problem with increased traffic generation. He then summarized the application.

**BOARD
QUESTIONS**

Schlegel and Frasier discussed the annexation of water and how long that process would take.

**AGENCY
COMMENTS**

None.

**BOARD
DISCUSSION**

The board took a five minute break to review written comments received before the meeting.

**PUBLIC
COMMENT**

Dr. Doug Smith, 110 Crestview Drive, was for the application.

Bill Dale, 12036 Rippling Waters, was for the application.

Lee Proctor was against the application.

Jenny Johnson, 210 Coverdell Rd, had concerns with the building site and was against the application.

Brent Hall, 197 Lakeside Blvd, was for the application.

Ross Gammon, 12081 Rippling Waters, was for the application.

Rebecca Norton, 530 Scott Ave, suggested a compromise with the application.

Gary Krueger, 805 Church Drive, was for the application.

Charlene Dale, 12036 Rippling Waters, was for the application.

Karen Reeves, 230 Missy Lane, was against the application.

Lee Proctor asked if he could add something to his comment.

Hickey-AuClaire said no. He had spoken. If a board member

addressed him, then he could add to his comment or ask his question.

**APPLICANT
REBUTTAL**

Bill Dale said everything which needed to be said had been said and he thanked the board for their time.

**STAFF
REBUTTAL**

None.

**BOARD
DISCUSSION**

Larsen and Fraser discussed the numbers of traffic generation from the facility.

Heim asked Proctor what his question was.

Proctor asked if it was customary to break ground before the applicant's permits were in place.

Proctor and Grieve discussed if it was customary for land to be broken before the permits were issued.

Faulkner and Dale discussed if there would be future development on the property.

Hickey-AuClaire and Grieve discussed who regulated the follow through for PUDs.

Grieve spoke about the PUD process in detail.

Schlegel spoke about the comment from Johnson concerning the dust and smell from their farm and the possibility of complaints from the retirement home. He did not want to see the farm shut down at a later time.

The board and Grieve discussed what options could be taken to assure the farm would not be closed at a later time due to farming.

**MAIN MOTION
TO ADOPT
F.O.F.
(FPPUD 12-02)**

Larsen made a motion seconded by Faulkner to adopt staff report FPPUD 12-02 as findings-of-fact.

**BOARD
DISCUSSION**

The board and Hogle discussed at length a concern raised by Shellerud on finding-of-fact #4 which involved the PUD area becoming an individual parcel in the future and what that

involved.

DeKort and Grieve discussed how to convey, due to public comment from neighboring property owners, there were adverse effects to neighbors with the application.

**SECONDARY
MOTION TO
(Add F.O.F. #5)**

DeKort motioned and Heim seconded to add new finding-of-fact #5 to read:

#5. There is the potential for the proposed development to be impacted because existing adjacent land uses include intensive agricultural uses.

**BOARD
DISCUSSION**

None.

**ASK THE
QUESTION**

DeKort asked the question.

**ROLL CALL TO
(Add new F.O.F
#5)**

On a roll call vote the motion passed.

**BOARD
DISCUSSION**

Hickey-AuClaire and Grieve briefly discussed proper procedure.

Shellerud, Lapp and Hogle discussed phasing and timelines with the PUD.

**ROLL CALL TO
ADOPT F.O.F.
(FPPUD 12-02)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FPPUD 12-02)**

Heim made a motion seconded by Larsen to adopt Staff Report FPPUD 12-02 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

DeKort clarified procedure.

**SECONDARY
MOTION TO
(Add**

DeKort motioned and Heim seconded to add condition #7 which read:

CONDITION #7)	<i>Condition #7: Statement to be included on final plat: Impacts on agriculture: This Planned Unit Development (PUD) is located in an agricultural area where additional noise, dust, odors and irregular hours of operation are commonplace due to activities associated with agricultural pursuits. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this PUD.</i>
BOARD DISCUSSION	The board, Grieve and Hogle discussed at length Shellerud's request for a definition of restricted.
ASK THE QUESTION	Larsen asked the question.
ROLL CALL TO (Add CONDITION #7)	On a roll call vote, the motion passed unanimously.
BOARD DISCUSSION	Larsen explained the reasons he would vote for the application which included the quality of the application and the fact the board addressed concerns raised during public comment which the board was able to address with their addition of condition #7.
ROLL CALL TO RECOMMEND APPROVAL OF (FPPUD 12-02)	On a roll call vote the motion passed unanimously.
BOARD DISCUSSION	<i>The board took a five minute break.</i>
2nd FINAL DRAFT OF THE GROWTH POLICY UPDATE	Second Final Draft - Flathead County Growth Policy Update: Pursuant to 76-1-602 M.C.A., the Board will review and take public comment on the second final draft of the updated Flathead County Growth Policy. A public hearing was held on the first final draft on February 15, 2012. Since then, the Board has held 4 public workshops to revise the first final draft based on consideration of public input received and additional Board discussion.
STAFF REPORT	BJ Grieve pointed out the packet of public comment at each member's seat which had been received since April 27, 2012 to June 13, 2012 at 5:00 pm. He reviewed in depth the history and process of the Growth Policy Update for the Board. He also gave an outline of the changes made.

BOARD QUESTIONS

The board and Grieve discussed if there were any specific policy changes, if the Board and Planning Office had been open with the process, if the original growth policy was on the website and how it was formatted.

Hickey-AuClaire suggested the board hold the public hearing first to make sure the public had a chance to comment since the hour was getting late.

The board and Grieve discussed at length DeKort's concern of the lack of the work plan's addressing of policies and goals in the commissioners' resolution confirming the work plan.

Larsen did not see a problem with what had been done so far. They had followed the procedure properly. They had taken public input into account and had addressed it in their update. He was confident in the process which had been followed.

Grieve pointed out point of order. They were currently under staff report and the comments were as a result of the staff report before the public hearing.

Heim said the board was going to update data, etc which were out of date, then through public testimony, it was brought to the attention of the board the language was too regulatory in nature which lead to the board taking a look at the language in the policies. They did not rewrite the policies.

Hickey-AuClaire confirmed what Heim stated and gave dates as to when the meetings and workshops happened in which the public brought to the board's attention the nature of the language in the policies.

Grieve again pointed out he had all the information available through agendas and DVDs of the workshops and meetings.

Schlegel asked if the other staff member seated at the staff table was the newest member of the Planning Staff.

Grieve introduced Erik Mack who had recently joined the planning staff and gave a brief history of where he was from and his work history.

Hickey-AuClaire and Grieve briefly discussed the proper procedure to follow from this point.

**AGENCY
COMMENTS**

None.

**BOARD
DISCUSSION**

Hickey-AuClaire stated normally the board process was to review written comments then take public comment but in consideration of the number of people in the audience and the hour, the board wished to reverse the order and consider oral public comment now.

**PUBLIC
COMMENT**

Claire Strickler, 192 Larch Lane, was against the application.

Gary Krueger, 805 Church Dr, thanked the board for their efforts so far and asked them to take their time and care in the process of updating the Growth Policy.

Debbie Biolo, 1895 Hodgeson Rd, thanked the board for taking into consideration her previous comments asked the board to reexamine the attitudes and theme of the document.

Diane Taylor, 445 Gosney Crossroad, submitted a sizable packet to the board. The planning office made 8 copies, one for each PB member and distributed to the board. She was against the application.

Linda Johnson, 2615 Helena Flats Road, was against the application.

Lynn Stanley, 838 2nd Ave E, gave the board a small packet. The Planning Office made 8 copies, one for each PB member. She was against the application.

CJ Cummings, 937 5th Ave E, was against the application.

Rebecca Norton, 530 Scott Ave, was against the application.

Terry Meyers, 116 Moe's Run, was against the application. He submitted a small packet to Grieve for the board.

Anita Ho, 1012 3rd Ave E, submitted a sizable packet to Grieve for the board and was against the application.

Grieve said he would collect the submitted written comment,

write on it who it was received from and time then copy the comments and give them to the board at one time.

Don Schwennesen, 19290 MT Hwy 35, was against the application. He submitted written comments to Grieve for the board.

Dick Zoeller, Whitefish, was against the application.

BJ Carlson, 2620 Mission Trail Way, read a letter from Sharon Demeester who was against the application. She gave a sizable packet to Grieve for the board.

Grieve stated what exactly was in the packet for the record.

Carlson then commented for herself. She was against the application.

Karen Reeves, 230 Missy Lane, was against the application. She submitted a letter by Douglas Chadwick to Grieve for the board.

Rod McIver, 975 Rose Crossing, was against the application.

Ginny Coyle, 120 Marvin's Way, was against the application.

Roxanna Brothers, 786 4th Ave W N, was against the application.

Russ Crowder, American Dream Montana, 2868 Lower Lost Prairie Rd, was against the application.

Russ Miller, 510 Solberg Drive, was against the application.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street W, reiterated her letter which she submitted to the Planning Office earlier. She was against the application. She submitted a small packet to Grieve for the board.

BOARD DISCUSSION

Hickey-AuClaire said the board had received a lot of verbal and written information during public comment.

Grieve asked the board to wait while staff copied public comment received tonight. He offered several suggestions as to how the board could proceed.

Larsen suggested the board schedule the board discussion for a

later date.

The board and Grieve discussed how to proceed.

Hickey-AuClaire suggested a 20 minute break.

Grieve suggested stating for the record what had happened during a brief break in the DVD recording.

Hickey-AuClaire stated the board wanted to continue their discussion on what their possibilities for a future date for continuation of board discussion. The board wanted to make sure they received the comment on the same day the public comment was submitted during the meeting.

The board and Grieve discussed their options and pros and cons for continuing board discussion on the Growth Policy Update and procedure. They also discussed the scheduled workshop for June 27, 2012 and decided to cancel the workshop. The issues of posting the original Growth Policy and the changes resulting from the work the board had done online were debated.

They discussed the purpose and history of the Growth Policy and whether or not it was mandatory. They also debated at length the pros and cons of having the policy.

The board directed Grieve to write a paper on the pros and cons of having a Growth Policy then present it to the board.

The board and Grieve also debated the option of having more direction from the commissioners. They discussed options of how to continue with the process, how changes would be shown and if that would be overwhelming with changes.

Grieve showed a chapter he had went through and showed all the changes, discussed what the changes were and how long it took him for three pages. The document at five pages per hour would take about 20 hours to do the document. He talked about the difficulties administratively to show all changes from the original document to the final draft of the document with the first and second draft changes included.

The board and Grieve discussed how to make the public aware of the changes, the fact the changes were available on the DVDs of meetings and workshops and the feeling the board and office had

been open with the process and the changes were available.

The board voiced their frustration with the possibility of bringing in extra hours of planning staff to work up a document with all changes from the original draft when they felt they had been open with the process and the changes were currently available to the public.

Grieve admitted to a mistake made in not posting Appendix A under the second final draft because no changes were made to it. It was posted on the web, but not under the second draft section. He would make the change the next day.

The board discussed when they wanted to meet. It was decided the June 27, 2012 workshop was cancelled and they would meet in a month which was July 11, 2012.

Grieve said he would have the report done before the meeting, and send it to the board before the meeting. He asked if the board wanted it posted on the web.

It was decided a copy of the report would be posted to the web when it was sent to the board.

Grieve and the board discussed the quality of public comment, the difficulties of updating the Growth Policy every five years and if the public would vote to keep the document or do away with it.

The board and Grieve discussed whether to move to adjourn while they waited for the copies of the public comment or continue with old and new business.

OLD BUSINESS

None.

NEW BUSINESS

Grieve wanted to discuss a new project which was updating the floodplain regulations. The current regulations hadn't been updated in some time. He gave the board background information of where updated regulations would be beneficial. The discussion included the Carver lawsuit, how that affected requirements for future floodplain permits and the Evergreen PMR.

The board and Grieve discussed how the residents in the change in the Evergreen floodplain area would be affected by the regulations, if the area was similar to the '64 flood and factors

which affected where water flowed.

The board and Grieve discussed briefly public comment concerning eliminating the greenbelt along rivers and how other regulations and the Growth Policy related.

Mack handed to the board copies of public comment received at the meeting during public comment.

Grieve clarified the public comment the board received.

ADJOURNMENT The meeting was adjourned at approximately 11:20 pm. on a motion by Hickey-AuClaire. The next meeting will be held at 6:00 p.m. on July 11, 2012.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 7 / 11 / 12*